

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:12-cr-00145-MMD-GWF

Plaintiff,

ORDER

v.

RYAN MASTERS,

Defendant.

At the sentencing hearing held on October 24, 2013, the Court imposed a total sentence of 109 months. The Court then explained the individual sentence. The tape of the proceedings recorded the Court's statement as:

The individual sentence per counts are as follows: 1 month for count 1 to be served consecutive to counts 2, 3, 4 and 6; 80 months per count for counts 2, 3, 4 and 6 all to be served concurrent; and a consecutive 24 months on count five, to all other counts.

The error occurred in the Court's reference to "80 months per count for counts 2, 3, 4 and 6 all to be served concurrent" when the Court meant to state "84 months per count for counts 2, 3, 4 and 6 all to be served concurrent."

Rule 35(a) of the Federal Rules of Criminal Procedure provides that "the court may correct a sentence that resulted from arithmetical, technical, or other clear error" within 14 days after sentencing. The reference to 80 months when the Court meant to state 84 months to reach the total sentence of 109 months amounts to the type of arithmetical or clear error that may be corrected under Rule 35(a). While the correction

1 to the records may be made without a hearing, the Court determines that a hearing for
2 the Court to state the correction is appropriate.

3 Therefore, it is ordered that a hearing for the Court to correct the October 24,
4 2013, hearing records via video conference is scheduled for October 31, 2013, at 11:00
5 a.m. Any objection to the Court holding the hearing by video conference must be filed
6 by October 30, 2013.

7 DATED THIS 28th day of October 2013.
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10 MIRANDA M. DU
11 UNITED STATES DISTRICT JUDGE
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